

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

IN RE: §
§
SERVICE ONE, LLC, § CASE NO. 22-40503
§ (Chapter 11)
DEBTOR §

**MOTION TO REMOVE THE DEBTOR FROM POSSESSION AND AUTHORIZE
SUBCHAPTER V TRUSTEE TO OPERATE THE BUSINESS OF THE DEBTOR**

TO THE HONORABLE BRENDA T. RHOADES, U.S. BANKRUPTCY JUDGE:

Service One, LLC (the “*Debtor*”) files its *Motion to Remove the Debtor from Possession and Authorize Subchapter V Trustee to Operate the Business of the Debtor* (“*Motion*”) as follows:

1. On April 21, 2022 (the “*Petition Date*”), the Debtor filed a voluntary petition in this Court under Chapter 11 of the United States Bankruptcy Code, 11 U.S.C. §§ 101, *et seq.* (the “*Bankruptcy Code*”).
2. Since the Petition Date, the Debtor has continued to operate as debtor-in-possession pursuant to § 1182(b) of the Bankruptcy Code.
3. The two members of the Debtor are Sandra Perry and Charles Tomasello whom each own a 50% membership interest in the Debtor. Disputes have arisen between Ms. Perry and Mr. Tomasello regarding the management of the Debtor.
4. As cause exist due to the aforementioned disputes, Debtor hereby requests that the Debtor be removed from possession pursuant to 11 U.S.C. §1185.¹ Moreover, upon the Debtor

¹ 11 U.S.C. § 1185 is titled “Removal of debtor in possession” and says, “(a) . . . the court shall order that the debtor shall not be a debtor in possession for cause, including fraud, dishonesty, incompetence, or gross mismanagement . . . , or for failure to perform the obligations of the debtor under a plan confirmed under this subchapter.”

ceasing to be a debtor in possession, the Debtor request that the Subchapter V Trustee be authorized to operate the business of the Debtor pursuant to 11 U.S.C. §1183(b)(5).²

WHEREFORE, PREMISES CONSIDERED Debtor prays that this Court grant the Motion and that Debtor be granted such other and further relief to which it may be justly entitled.

Respectfully submitted,

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PROPOSED ATTORNEY'S FOR
DEBTOR

CERTIFICATE OF SERVICE

I hereby certify that on April 25, 2022, a true and correct copy of the foregoing document was served via ECF electronic filing and/or first-class mail, postage prepaid to all parties on the attached mailing matrix, including (a) the Debtor and Debtor's professionals; (b) the U.S. Trustee for the Eastern District of Texas; (c) the 20 largest unsecured creditors of the Debtor; (d) the U.S. Attorney's Office; (e) the Internal Revenue Service; (f) all statutory committees appointed in the case; (g) all parties requesting notice under Rule 2002 of the Federal Rules of Bankruptcy Procedure; and (h) all parties on whom the Court orders notice.

/s/ Christopher J. Moser

² 11 U.S.C. § 1183(b)(5) says, "(b) Duties.—The trustee shall . . . (5) if the debtor ceases to be a debtor in possession, perform the duties specified in . . . , including operating the business of the debtor."